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09/669,771	09/26/2000	Kouichi Mizukami	10517/73	3237

7590

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EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/669,771

Applicant(s)

MIZUKAMI ET AL.

Examiner

Christopher Bottorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment filed October 16, 2003 has been entered. Claims 1-8 and 10 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford Taurus & Mercury Sable Haynes Repair Manual (Taurus) in view of Takayama et al. US 6,119,060 and Maue et al. US 5,785,532.

Taurus teaches a structure in a motor vehicle that includes an engine control computer (ECA; see the discussion in column 3 of page 6-1), a relay block (item 6 in figure 4.2 indicates the presence of relays within the vehicle), a junction box (see the box housing the fuse unit in figure 4.1), an ABS actuator (see the discussion on page 9-16), a meter unit (any instrument panel gauge), a partition wall that separates the engine room and the cabin from each other (depicted in figure 1.2b), and a brake system (depicted in figure 1.2b). These components are concentrated within the vehicle body.

Although the claims broadly define the generally centralized region, the disclosure suggests that the components are arranged along the longitudinal centerline of the vehicle. Taurus does not disclose the engine control computer, the relay block, the junction box, and the ABS actuator as being located in a generally centralized region as broadly defined in the claims, or along the centerline as suggested by the disclosure. Taurus does not disclose that the locations of the engine control computer, the relay block, the junction box, and the ABS actuator are the same when the vehicle is a right-hand drive vehicle as when the vehicle is a left-hand drive vehicle. Taurus also does not disclose that the engine control computer, the relay block, and the ABS actuator are located on the engine room side of the partition wall.

However, Takayama et al. teaches that the practice of concentrating electrical components along the longitudinal centerline and on a dash cross member of a vehicle was old and well known in the art at the time the invention was made. See figures 1 and 2; lines 30-34 of column 3; and lines 36-43 of column 17. From the teachings of Takayama et al., concentrating the above components of Taurus along the longitudinal centerline would have been obvious to one of ordinary skill in the art at the time the invention was made. This would improve the efficiency of the assembly process. Locating these components along the centerline would necessarily locate the components within the generally centralized region of the vehicle as defined in the claims. In addition, locating these components along the centerline would necessarily ensure that their locations would be the same when the vehicle is a right-hand drive vehicle as when the vehicle is a left-hand drive vehicle.

In addition, Maue et al. teaches that the practice of locating the engine control computer, the relay block, and the ABS actuator on the engine room side of the partition wall was old and well known in the art at the time the invention was made. See Figure 5; column 3, lines 20-22; and 28-36, and column 4, lines 11-12. From the teachings of Maue et al., locating the engine control computer, the relay block, and the ABS actuator of Taurus on the engine room side of the partition wall would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow these components to be serviceable from within the engine compartment.

Furthermore, rearranging the placement of components within a vehicle would not modify their operation and represents an obvious design choice. See *In re Japikse*, 86 USPQ 70 (CCPA 1950) and *In re Kuhle*, 188 USPQ 7 (CCPA 1975). This rearrangement would improve the efficiency of the assembly process.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford Taurus & Mercury Sable Haynes Repair Manual (Taurus) in view of Takayama et al. US 6,119,060 and Maue et al. US 5,785,532 as applied to claim 1 above, and further in view of Toshihiro et al. JP 64-30856.

Taurus does not teach the junction box and relay block being constructed as an integral assembly and mounted at least partly in a cowl. However, Toshihiro et al. teaches a vehicle body having a cowl (fig.1 and 2) formed in the vicinity of a partition wall 3, and wherein a relay block (10) and a junction box (4) are formed as an integral assembly and mounted at least partly in the cowl.

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It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to make the junction box and relay block of Taurus as an integral unit and place them within a cowl member in the vicinity of the partition wall, as taught by Toshihiro et al., because it would facilitate the check of wiring and the replacement of fuses (see Toshihiro, "Constitution").

### ***Response to Arguments***

Applicants' arguments filed April 14, 2003 have been fully considered but they are not persuasive.

As a threshold matter, the examiner notes that in the last paragraph of page 6 of the remarks to the amendment filed November 25, 2002 Applicants admit that the claimed components are contained in "virtually every car sold in the U.S. in the recent past." These admitted components would necessarily be concentrated within the vehicle body.

In the arguments filed April 14, 2003, Applicants indicate that Takayama does not teach the panel body and processing units on the engine room side of the partition. However, this is irrelevant since locating the components of Taurus on the engine room side would have been obvious based on the teachings of Maue et al.

Also, Applicants assert that the ECU, ABS control and the like are not necessarily provided at the substantially center portion even if the information processing units are provided at a substantially center portion. However, this is not accurate since the ECU, ABS actuator, and the like are the information processing

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units. The "units" disclosed in lines 36-43 of column 17 of Takayama are alternative forms of the processing units U1, U2, and U3 depicted in Figure 2 and discussed in lines 17-27 of column 9. As disclosed by Takayama, these units are provided at a substantially center portion, which necessarily requires that the ECU, ABS actuator, and the like are provided at a substantially center portion.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Christopher Bottorff

  
BRIAN L. JOHNSON  
SUPERVISORY PATENT EXAMINER  
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1/9/04